

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

ULTIMA SERVICES CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00041-DCLC-CRW
)	
U.S. DEPARTMENT OF AGRICULTURE, et)	
al.,)	
)	
Defendants.)	

DECLARATION OF SAMUEL POWERS

I, Samuel Powers, under penalty of perjury declare as follows:

1. I am the Data Science Lead for the SBA Office of Government Contracting and Business Development (GC/BD). I have held this position for almost a year and am practiced at extracting and analyzing data from the FPDS-NG system. I am also the designated trainer for SBA on reporting from the FPDS-NG system. My experience prior to my employment at the Small Business Administration includes data science and data base management work for state and local governments in Virginia as well as graduate level training in applied statistics. I have been designing, developing, and reporting from databases for 6 years.
2. The Small Business Administration (SBA) maintains records of government-wide spending. The original data source for SBA's data extracts is a snapshot of the certified Fiscal Year End Small Business Goaling Report Data. This data is maintained in the ordinary course of business. GSA provides an extract with the certified data to the SBA sometime between February and April of every year for the previous fiscal year. The data provided to the SBA is not a complete data extract from FPDS as it does not include those items categorized as Small Business Goaling Exclusions.
3. The FY15, FY16, FY17, FY18, FY19, FY20, and FY21 certified data sets were extracted by GSA from FPDS-NG on the following dates, respectively: Feb. 20, 2016, Feb. 20, 2017, Feb. 20, 2018, Mar. 15, 2019, Feb. 22, 2021, and Feb 21, 2022.
4. Using these extracts, I compiled the data in Table 1 concerning contracting by the Federal Government in fiscal years 2015, 2016, 2017, 2018, 2019, 2020, and 2021. I computed averages by summing the values for all years and dividing by 7.
5. Based on the data in Table 1, I estimate that the federal government obligated 3.747% of Total Small Business Eligible Dollars through 8(a) Procedures, on average, between FY2015 and FY21.

6. General Services Administration (GSA) maintains a database of government-wide spending on all contract actions. This database is accessible through the standard reporting feature on SAM.gov. I accessed this database on 6/14/2022. At this time, it reported that the federal government spent a total of \$3,876,912,424,204 cumulatively between FY15 and FY21.
7. Subtracting the total amount the federal government spent on 8(a) Procedures during this same time frame, based on the data in Table 1, leaves \$3,752,666,338,642 that the federal government spent outside of the 8(a) program between FY15 and FY21.

Table 1: Total Federal Contract Dollar Obligations and Contract Actions in FY 2015 to FY 2021

Category	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	Average
Total Small Business Eligible Obligations	\$ 352,291,573,414	\$ 410,670,812,301	\$ 442,486,793,745	\$ 482,328,338,227	\$ 501,583,160,938	\$ 559,981,165,260	\$ 566,491,983,404	\$ 473,690,546,756
Total Small Business Eligible Actions	15,780,300	19,678,817	22,610,700	40,169,228	73,185,962	53,612,451	66,861,080	41,699,791
Small Business Dollars	\$ 90,701,737,944	\$ 99,960,215,526	\$ 105,660,294,869	\$ 120,843,844,762	\$ 127,048,439,359	\$ 140,213,030,436	\$ 145,751,702,947	\$ 118,597,037,977
Small Business Actions	1,724,723	2,333,958	2,154,007	2,369,711	3,100,291	2,668,798	2,873,927	2,460,774
8(A) Procedure Dollars	\$ 15,991,443,711	\$ 16,995,170,167	\$ 16,251,923,398	\$ 17,631,958,716	\$ 18,150,054,307	\$ 19,720,958,372	\$ 19,504,576,891	\$ 17,749,440,795
8(A) Procedure Actions	63,360	63,788	62,757	61,092	57,218	58,140	55,118	60,210

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 16, 2022

Samuel Powers

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